



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Labor and Industries

- ☒ **Preproposal Statement of Inquiry was filed as WSR 07-19-085 ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR _____**
☐ **Continuance of WSR _____**

Title of rule and other identifying information: (Describe Subject) Payment of initial prescription drugs

Amending WAC 296-20-01002, WAC 296-20-124, WAC 296-20-170, and WAC 296-20-17001, and adding WAC 296-20-17004 for the purpose of complying with EHB 2105, Chapter 134, Laws of 2007, which guarantees payment of initial prescription drugs for State Fund claims regardless of claim acceptance.

Hearing location(s):
 Dept. of Labor & Industries
 7273 Linderson Way SW
 Tumwater, WA 98501

Room S117

Date: 12/13/07 Time: 1:00 PM

Date of intended adoption: 12/20/07
 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Jaymie Mai

Address: Dept. of Labor & Industries
 Office of the Medical Director
 PO Box 44321
 Olympia, WA 98504-4321

e-mail: maij235@lni.wa.gov

fax (360) 902-6315 by (date) 12/13/07

Assistance for persons with disabilities contact:

Jaymie Mai 360-902-5799/maij235@lni.wa.gov by 12/07/2007

TTY (360) 902-5797 or fax (360) 902-4249

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Rule making is needed to comply with Engrossed House Bill 2105, Chapter 134, Laws of 2007 as follows:

- WAC 296-20-01002 Defines new terms use for the payment of initial prescription drugs. It defines “initial prescription drugs” and “initial visit”.
- WAC 296-20-124 Includes initial prescription drugs to the list of exception for payment on State Fund rejected claims.
- WAC 296-20-170 Allows pharmacies to bill the department for initial prescription drugs prior to claim acceptance after they have reviewed a copy of the Claim for Industrial Injury or Occupational Disease.
- WAC 296-20-17001 Includes initial prescription drugs to the list of exception for payment on State Fund claims.
- WAC 296-20-17004 Defines criteria for payment of initial prescription drugs. Payment will be in accordance to the department’s fee schedule.

Reasons supporting proposal:

This rule making is necessary to implement EHB 2105, Chapter 134, Laws of 2007, which guarantees payment of initial prescription drugs for State Fund claims regardless of claim acceptance.

Statutory authority for adoption: RCW 51.04.020, 51.04.030,
 EHB 2105, Chapter 134, Laws of 2007

Statute being implemented: RCW 51.36.010 as amended by
 EHB 2105, Chapter 134, Laws of 2007

Is rule necessary because of a:

Federal Law?

☐ Yes

☒ No

Federal Court Decision?

☐ Yes

☒ No

State Court Decision?

☐ Yes

☒ No

If yes, CITATION:

DATE

November 6, 2007

NAME (type or print)

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED**

DATE: November 06, 2007

TIME: 9:34 PM

WSR 07-22-094

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization)

Department of Labor & Industries

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Jaymie Mai	7273 Linderson Way SW, Tumwater WA	(360) 902-6792
Implementation.... Gary Franklin, MD, MPH	Medical Director	(360) 902-5020
Enforcement..... Robert Malooly	Assistant Director for Insurance Services	(360) 902-4209

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

This rulemaking is exempt under RCW 19.85.025 (3), referring to RCW 34.05.310 (4), namely RCW 34.05310(4) (b), (c), (d) and (e), because it adopts and implements EHB 2105, Chapter 134, Laws of 2007 and otherwise clarifies language in the amended rules without changing its effects as a result of the change in law.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: This rulemaking is exempt under RCW 34.05.328 (5) (b) (iii), (iv) and (v) because it adopts and implements EHB 2105, Chapter 134, Laws of 2007 and otherwise clarifies language in the amended rules without changing its effects as a result of the change in law.